

FILED IN THE U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAR 28 2023

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DEPUTY  
YAKIMA, WASHINGTON

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9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

Case No.: 1:22-CR-2063-MKD

12 Plaintiff,

Plea Agreement  
11(c)(1)(C)

13 v.

14 BRANDON KELLY ROOT,

15 Defendant.

16 Plaintiff United States of America, by and through Vanessa R. Waldref,  
17 United States Attorney the Eastern District of Washington, and Michael D.  
18 Murphy, Assistant United States Attorney for the Eastern District of Washington,  
19 and Defendant Brandon Kelly Root ("Defendant"), both individually and by and  
20 through Defendant's counsel, Alex B. Hernandez, III, agree to the following Plea  
21 Agreement.

22 1. Guilty Plea and Maximum Statutory Penalties

23 Defendant agrees to enter a plea of guilty to Counts 3-6 of the Indictment  
24 filed on June 7, 2022. The indictment charges Defendant with Counts 3 and 4  
25 Involuntary Manslaughter, in violation of 18 U.S.C. §§ 1153 and 1112, Class C  
26 felonies:

27 Defendant understands that the following potential penalties apply to those  
28 counts:

PLEA AGREEMENT - 1

- a. a term of imprisonment of not more than 8 years;
- b. a term of supervised release of not more than 3 years;
- c. a fine of up to \$250,000;
- d. restitution; and
- e. a \$100 special penalty assessment.

The Indictment also charges Defendant with Counts 5 and 6, Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 1153 and 113(a)(6), Class C felonies.

Defendant understands that the following potential penalties apply to those counts:

- a. a term of imprisonment of not more than 10 years;
- b. a term of supervised release of not more than 3 years;
- c. a fine of up to \$250,000;
- d. restitution; and
- e. a \$100 special penalty assessment.

2. Supervised Release

Defendant understands that if Defendant violates any condition of Defendant's supervised release, the Court may revoke Defendant's term of supervised release, and require Defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, up to the following terms:

- a. 5 years in prison if the offense that resulted in the term of Supervised Release is a class A felony,
- b. 3 years in prison if the offense that resulted in the term of Supervised Release is a class B felony, and/or

1           c.     2 years in prison if the offense that resulted in the term of  
2                 Supervised Release is a class C felony.

3           Accordingly, Defendant understands that if Defendant commits one or more  
4 violations of supervised release, Defendant could serve a total term of  
5 incarceration greater than the maximum sentence authorized by statute for  
6 Defendant's offense or offenses of conviction.

7           3.     Rule 11 Nature of the Plea Agreement

8           Defendant acknowledges that this Plea Agreement is entered pursuant to  
9 Federal Rule of Criminal Procedure 11(c)(1)(C) ("Rule 11(c)(1)(C)"). Pursuant to  
10 Rule 11(c)(1)(C), the United States and Defendant agree that the appropriate  
11 disposition of the case is 96 months (8 years) in custody, to be followed by 3 years  
12 of Supervised Release. The United States and Defendant agree to make those  
13 sentencing recommendations to the Court. Although the United States and  
14 Defendant agree to make these recommendations to the Court pursuant to Rule  
15 11(c)(1)(C), Defendant acknowledges that no promises of any type have been  
16 made to Defendant with respect to the sentence the Court will ultimately impose.  
17 Defendant understands that Defendant may withdraw from this Plea Agreement if  
18 the Court imposes a term of imprisonment of greater than 96 months (8 years) or  
19 indicates its intent to do so. Defendant also understands that the United States may  
20 withdraw from this Plea Agreement if the Court imposes a term of imprisonment  
21 of less than 96 months (8 years) or a term of supervised release of less than 3  
22 years, or indicates its intent to do so.

23           The United States and Defendant acknowledge that the imposition of any  
24 fine, restitution, or conditions of Supervised Release are not part of the Rule  
25 11(c)(1)(C) nature of this Plea Agreement; that the United States and Defendant  
26 are free to make any recommendations they deem appropriate as to the imposition  
27 of fines, restitution, or conditions of Supervised Release; and that the Court will  
28 exercise its discretion in this regard. The United States and Defendant

1 acknowledge that the Court's decisions regarding the imposition of fines,  
2 restitution, or conditions of Supervised Release will not provide bases for  
3 Defendant to withdraw Defendant's guilty plea or withdraw from this Rule  
4 11(c)(1)(C) Plea Agreement.

5 Defendant acknowledges that if either the United States or Defendant  
6 successfully withdraws from this Plea Agreement, the Plea Agreement becomes a  
7 nullity, and the United States is no longer bound by any representations within it.

8 4. Potential Immigration Consequences of Guilty Plea

9 If Defendant is not a citizen of the United States, Defendant understands the  
10 following:

- 11 a. pleading guilty in this case may have immigration  
12 consequences;
- 13 b. a broad range of federal crimes may result in Defendant's  
14 removal from the United States, including the offense to which  
15 Defendant is pleading guilty;
- 16 c. removal from the United States and other immigration  
17 consequences are the subject of separate proceedings; and
- 18 d. no one, including Defendant's attorney or the Court, can predict  
19 with absolute certainty the effect of a federal conviction on  
20 Defendant's immigration status.

21 Defendant affirms that Defendant is knowingly, intelligently, and voluntarily  
22 pleading guilty as set forth in this Plea Agreement, regardless of any immigration  
23 consequences that Defendant's guilty plea may entail.

24 5. Waiver of Constitutional Rights

25 Defendant understands that by entering this guilty plea, Defendant is  
26 knowingly and voluntarily waiving certain constitutional rights, including the  
27 following:

- 28 a. the right to a jury trial;

- b. the right to see, hear and question the witnesses;
- c. the right to remain silent at trial;
- d. the right to testify at trial; and
- e. the right to compel witnesses to testify.

While Defendant is waiving certain constitutional rights, Defendant understands that Defendant retains the right to be assisted by an attorney through the sentencing proceedings in this case and any direct appeal of Defendant's conviction and sentence, and that an attorney will be appointed at no cost if Defendant cannot afford to hire an attorney.

Defendant understands and agrees that any defense motions currently pending before the Court are mooted by this Plea Agreement, and Defendant expressly waives Defendant's right to bring any additional pretrial motions.

6. Elements of the Offense

The United States and Defendant agree that in order to convict Defendant of Involuntary Manslaughter, in violation of 18 U.S.C. §§ 1153 and 1112 and as charged in Counts 3 and 4, the United States would have to prove the following beyond a reasonable doubt:

- a. *First*, Defendant committed an act that might produce death;
- b. *Second*, Defendant acted with gross negligence, defined as wanton or reckless disregard for human life;
- c. *Third*, Defendant's act was the proximate cause of the death of the victim. A proximate cause is one that played a substantial part in bringing about the death, so that the death was a direct result or a reasonably probable consequence of the act;
- d. *Fourth*, the killing was unlawful;
- e. *Fifth*, Defendant either knew that such an act was a threat to the lives of others or knew of circumstances that would reasonably

1 cause him to foresee that such an act might be a threat to the  
2 lives of others;

3 f. *Sixth*, the killing occurred in Indian Country; and

4 g. *Seventh*, Defendant is an Indian.  
5

6 The United States and Defendant agree that in order to convict Defendant of  
7 Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 1153 and  
8 113(a)(6) and as charged in Counts 5 and 6, the United States would have to prove  
9 the following beyond a reasonable doubt:

10 a. *First*, the Defendant assaulted the victims by driving a vehicle  
11 while under the influence of or affected by intoxicating liquor  
12 and by driving a vehicle in willful or wanton disregard for the  
13 safety of persons or property;

14 b. *Second*, as a result of the assault, the victims suffered serious  
15 bodily injury;

16 c. *Third*, the assault occurred in Indian Country; and

17 d. *Fourth*, the Defendant is an Indian.  
18

19 **7. Factual Basis and Statement of Facts**

20 The United States and Defendant stipulate and agree to the following: the  
21 facts set forth below are accurate; the United States could prove these facts beyond  
22 a reasonable doubt at trial; and these facts constitute an adequate factual basis for  
23 Defendant's guilty plea.

24 The United States and Defendant agree that this statement of facts does not  
25 preclude either party from presenting and arguing, for sentencing purposes,  
26 additional facts that are relevant to the Sentencing Guidelines computation or  
27 sentencing, unless otherwise prohibited in this Plea Agreement.  
28



1 On June 11, 2017 at approximately 2:30 a.m. the Defendant, Brandon Kelly  
2 Root, was driving in a vehicle on a public roadway within the exterior bounds of  
3 the Yakama Nation in the Eastern District of Washington while affected by alcohol  
4 when he crossed the center line of the roadway and his vehicle struck another  
5 vehicle head on. In the other vehicle were located M.G., J.C., J.A. and Minor 1. As  
6 a result of the wreck, M.G. and J.C. were killed. J.A. and Minor 1 each suffered  
7 serious bodily injuries. J.A.'s leg was broken as a result of the collision, requiring  
8 medical treatment and causing prolonged and severe pain and disability and Minor  
9 1 suffered serious injuries to his head and face which required hospitalization and  
10 medical treatment and which caused prolonged and severe pain and disability.  
11 When officers arrived at the scene of the collision, they found the Defendant,  
12 Brandon Kelly Root, wedged in the driver's seat of the vehicle. Officers noted that  
13 he had blood shot, watery eyes, slurred speech, and an odor of intoxicants about his  
14 person. Defendant was the only occupant of his vehicle and an 18-pack of beer was  
15 located on the front passenger floorboard. A blood draw conducted at the hospital  
16 about four hours after the collision showed Defendant's blood alcohol level as .10  
17 at that time. In an interview with law enforcement, Defendant admitted to drinking  
18 that day at a softball tournament and a bar. He did not recall the details of the  
19 crash. Defendant has prior convictions for driving under the influence of alcohol  
20 and on June 11, 2017 he knew that his action in driving while intoxicated could  
21 lead to the death or injury of himself or other people but disregarded that risk.  
22 Brandon Kelly Root is an enrolled member of the Yakama Nation and by that  
23 reason as well as by blood is considered an "Indian" under federal law. The land  
24 within the exterior bounds of the Yakama Nation is "Indian Country" under federal  
25 law.

26 8. The United States' Agreements

27 The United States Attorney's Office for the Eastern District of Washington  
28 agrees that at the time of sentencing, the United States will move to dismiss Counts

1 1 and 2 of the Indictment filed June 7, 2022, which charge Defendant with Second  
2 Degree Murder in violation of 18 U.S.C. §§ 1153, 1111.

3 The United States Attorney's Office for the Eastern District of Washington  
4 agrees not to bring additional charges against Defendant based on information in  
5 its possession at the time of this Plea Agreement that arise from conduct that is  
6 either charged in the Indictment or identified in discovery produced in this case,  
7 unless Defendant breaches this Plea Agreement before sentencing.

8  
9 9. United States Sentencing Guidelines Calculations

10 Defendant understands and acknowledges that the United States Sentencing  
11 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine  
12 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.  
13 The United States and Defendant agree to the following Guidelines calculations.

14 a. Acceptance of Responsibility

15 The United States will recommend that Defendant receive a three-level  
16 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.  
17 § 3E1.1(a), (b), if Defendant does the following:

- 18 i. accepts this Plea Agreement;
- 19 ii. enters a guilty plea at the first Court hearing that takes  
20 place after the United States offers this Plea Agreement;
- 21 iii. demonstrates recognition and affirmative acceptance of  
22 Defendant's personal responsibility for Defendant's  
23 criminal conduct;
- 24 iv. provides complete and accurate information during the  
25 sentencing process; and
- 26 v. does not commit any obstructive conduct.

27 The United States and Defendant agree that at its option and on written  
28 notice to Defendant, the United States may elect not to recommend a reduction for



1 acceptance of responsibility if, prior to the imposition of sentence, Defendant is  
2 charged with, or convicted of, any criminal offense, or if Defendant tests positive  
3 for any controlled substance.

4           b.     No Other Agreements

5           The United States and Defendant have no other agreements regarding the  
6 Guidelines or the application of any Guidelines enhancements, departures, or  
7 variances. Defendant understands and acknowledges that the United States is free  
8 to make any sentencing arguments it sees fit, including arguments arising from  
9 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed  
10 pursuant to this Agreement, and Defendant's relevant conduct.

11           c.     Criminal History

12           The United States and Defendant have no agreement and make no  
13 representations about Defendant's criminal history category, which will be  
14 determined by the Court after the United States Probation Office prepares and  
15 discloses a Presentence Investigative Report.

16           10.    Incarceration

17           The United States and Defendant agree to recommend a sentence of eight  
18 years (96 months) incarceration.

19           11.    Supervised Release

20           The United States and Defendant each agree to recommend 3 years of  
21 supervised release. Defendant agrees that the Court's decision regarding the  
22 conditions of Defendant's Supervised Release is final and non-appealable; that is,  
23 even if Defendant is unhappy with the conditions of Supervised Release ordered by  
24 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty  
25 plea, withdraw from this Plea Agreement, or appeal Defendant's conviction,  
26 sentence, or any term of Supervised Release.

1 The United States and Defendant agree to recommend that in addition to the  
2 standard conditions of supervised release imposed in all cases in this District, the  
3 Court should also impose the following conditions:

- 4 a. The United States Probation Officer may conduct, upon  
5 reasonable suspicion, and with or without notice, a search of  
6 Defendant's person, residences, offices, vehicles, belongings,  
7 and areas under Defendant's exclusive or joint control.
- 8 b. Defendant shall participate and complete such drug testing and  
9 drug treatment programs as the Probation Officer directs.
- 10 c. Defendant shall complete mental health evaluations and  
11 treatment, including taking medications prescribed by the  
12 treatment provider if ordered by the Court. Defendant shall  
13 allow reciprocal release of information between the Probation  
14 Officer and the treatment provider. Defendant shall contribute  
15 to the cost of treatment according to the Defendant's ability.

16 12. Criminal Fine

17 The United States and Defendant may make any recommendation  
18 concerning the imposition of a criminal fine. Defendant acknowledges that the  
19 Court's decision regarding a fine is final and non-appealable; that is, even if  
20 Defendant is unhappy with a fine ordered by the Court, that will not be a basis for  
21 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea  
22 Agreement, or appeal Defendant's conviction, sentence, or fine.

23 13. Mandatory Special Penalty Assessment

24 Defendant agrees to pay the \$400 mandatory special penalty assessment to  
25 the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C.  
26 § 3013.

27 14. Restitution

1 The United States and Defendant agree that restitution is appropriate and  
2 mandatory, without regard to Defendant's economic situation, to identifiable  
3 victims who have suffered physical injury or pecuniary loss, pursuant to 18 U.S.C.  
4 §§ 3663A, 3664.

5 Pursuant to 18 U.S.C. § 3663(a)(3), Defendant voluntarily agrees to pay  
6 restitution for all losses caused by Defendant's individual conduct, in exchange for  
7 the United States not bringing additional potential charges, regardless of whether  
8 counts associated with such losses will be dismissed as part of this Plea  
9 Agreement. With respect to restitution, the United States and Defendant agree to  
10 the following:

11 a. Restitution Amount and Interest

12 The United States and Defendant stipulate and agree that, pursuant to 18  
13 U.S.C. §§ 3663, 3663A and 3664, the Court should order restitution in an amount  
14 of no greater than \$20,000, and that any interest on this restitution amount, if any,  
15 should be waived.

16 b. Payments

17 To the extent restitution is ordered, the United States and Defendant agree  
18 that the Court will set a restitution payment schedule based on Defendant's  
19 financial circumstances. 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant  
20 agrees to pay not less than 10% of Defendant's net monthly income towards  
21 restitution.

22 c. Treasury Offset Program and Collection

23 Defendant understands the Treasury Offset Program ("TOP") collects  
24 delinquent debts owed to federal agencies. If applicable, the TOP may take part or  
25 all of Defendant's federal tax refund, federal retirement benefits, or other federal  
26 benefits and apply these monies to Defendant's restitution obligations. 26 U.S.C.  
27 § 6402(d); 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

28 Defendant understands that the United States may, notwithstanding the

1 Court-imposed payment schedule, pursue other avenues to ensure the restitution  
2 obligation is satisfied, including, but not limited to, garnishment of available funds,  
3 wages, or assets. 18 U.S.C. §§ 3572, 3613, and 3664(m).

4 Nothing in this acknowledgment shall be construed to limit Defendant's  
5 ability to assert any specifically identified exemptions as provided by law, except  
6 as set forth in this Plea Agreement.

7 Until Defendant's fine and restitution obligations are paid in full, Defendant  
8 agrees fully to disclose all assets in which Defendant has any interest or over  
9 which Defendant exercises control, directly or indirectly, including those held by a  
10 spouse, nominee or third party.

11 Until Defendant's fine and restitution obligations are paid in full, Defendant  
12 agrees to provide waivers, consents, or releases requested by the U.S. Attorney's  
13 Office to access records to verify the financial information.

14 d. Notifications and Waivers

15 Defendant agrees to notify the Court and the United States of any material  
16 change in Defendant's economic circumstances (e.g., inheritances, monetary gifts,  
17 changed employment, or income increases) that might affect Defendant's ability to  
18 pay restitution. 18 U.S.C. § 3664(k). Defendant also agrees to notify the United  
19 States of any address change within 30 days of that change. 18 U.S.C.  
20 § 3612(b)(1)(F). These obligations cease when Defendant's fine and restitution  
21 obligations are paid in full.

22 Defendant acknowledges that the Court's decision regarding restitution is  
23 final and non-appealable; that is, even if Defendant is unhappy with the amount of  
24 restitution ordered by the Court, that will not be a basis for Defendant to withdraw  
25 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal  
26 Defendant's conviction, sentence, or restitution order.

27  
28 15. Payments While Incarcerated

1 If Defendant lacks the financial resources to pay the monetary obligations  
2 imposed by the Court, Defendant agrees to earn money toward these obligations by  
3 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

4 16. Additional Violations of Law Can Void Plea Agreement

5 The United States and Defendant agree that the United States may, at its  
6 option and upon written notice to the Defendant, withdraw from this Plea  
7 Agreement or modify its sentencing recommendation if, prior to the imposition of  
8 sentence, Defendant is charged with or convicted of any criminal offense or tests  
9 positive for any controlled substance.

10 17. Waiver of Appeal Rights

11 In return for the concessions that the United States has made in this Plea  
12 Agreement, Defendant agrees to waive Defendant's right to appeal Defendant's  
13 conviction and sentence if the Court imposes a term of imprisonment consistent  
14 with the terms of this Rule 11(c)(1)(C) Plea Agreement.

15 If the Court indicates its intent to impose a sentence above the Rule  
16 11(c)(1)(C) terms of this Agreement and Defendant chooses not to withdraw, then  
17 Defendant: (a) may appeal only Defendant's sentence, but not Defendant's  
18 conviction; (b) may appeal Defendant's sentence only if it exceeds the high end of  
19 the Guidelines range determined by the Court; and (c) may appeal only the  
20 substantive reasonableness of Defendant's sentence. Defendant expressly waives  
21 Defendant's right to appeal any fine, or term of supervised release. Defendant  
22 expressly waives Defendant's right to appeal any restitution order so long as  
23 restitution does not exceed \$20,000.

24 Defendant expressly waives the right to file any post-conviction motion  
25 attacking Defendant's conviction and sentence, including a motion pursuant to 28  
26 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from  
27 information not now known by Defendant and which, in the exercise of due  
28 diligence, Defendant could not know by the time the Court imposes sentence.

1 Nothing in this Plea Agreement shall preclude the United States from  
2 opposing any post-conviction motion for a reduction of sentence or other attack  
3 upon the conviction or sentence, including, but not limited to, writ of habeas  
4 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

5  
6 18. Compassionate Release

7 In consideration for the benefits Defendant is receiving under the terms of  
8 this Plea Agreement, Defendant expressly waives Defendant's right to bring any  
9 motion for Compassionate Release other than a motion arising from one of the  
10 specific bases set forth in this paragraph of this Plea Agreement. The United States  
11 retains the right to oppose, on any basis, any motion Defendant files for  
12 Compassionate Release.

13 The only bases on which Defendant may file a motion for Compassionate  
14 Release in the Eastern District of Washington are the following:

15 a. Medical Condition of Defendant

- 16 i. Defendant is suffering from a terminal illness (i.e., a  
17 serious and advanced illness with an end of life  
18 trajectory). A specific prognosis of life expectancy (i.e.,  
19 a probability of death within a specific time period) is not  
20 required. Examples include metastatic solid-tumor  
21 cancer, amyotrophic lateral sclerosis (ALS), end-stage  
22 organ disease, and advanced dementia; or  
23 ii. Defendant is suffering from a serious physical or medical  
24 condition, a serious functional or cognitive impairment,  
25 or deteriorating physical or mental health because of the  
26 aging process that substantially diminishes the ability of  
27 the defendant to provide self-care within the environment  
28



1 of a correctional facility and from which Defendant is not  
2 expected to recover.

3 b. Age of Defendant

4 i. Defendant is at least 65 years old, is experiencing a  
5 serious deterioration in physical or mental health because  
6 of the aging process; and has served at least 10 years or  
7 75 percent of Defendant's term of imprisonment,  
8 whichever is less; or

9 ii. Defendant is at least 70 years old and has served at least  
10 30 years in prison pursuant to a sentence imposed under  
11 18 U.S.C. § 3559(c) for the offense or offenses for which  
12 Defendant is imprisoned.

13 c. Family Circumstances

14 i. The caregiver of Defendant's minor child or children has  
15 died or become incapacitated, and Defendant is the only  
16 available caregiver for Defendant's minor child or  
17 children; or

18 ii. Defendant's spouse or registered partner has become  
19 incapacitated, and Defendant is the only available  
20 caregiver for Defendant's spouse or registered partner.

21 d. Subsequent Reduction to Mandatory Sentence

22 i. Defendant pleaded guilty to an offense which, on the date  
23 of Defendant's guilty plea, carried a mandatory minimum  
24 sentence; and

25 ii. after the entry of judgment, the length of the mandatory  
26 minimum sentence for Defendant's offense of conviction  
27 was reduced by a change in the law; and  
28

1                   iii.       the application of the reduced mandatory minimum  
2                               sentence would result in Defendant receiving a lower  
3                               overall sentence.

4           e.       Ineffective Assistance of Counsel

- 5                   i.       Defendant seeks Compassionate Release based on a  
6                               claim of ineffective assistance of counsel arising from  
7                               information that Defendant both  
8                               1.       did not know at the time of Defendant's guilty  
9                               plea, and  
10                              2.       could not have known, in the exercise of due  
11                               diligence, at the time the Court imposed sentence.

12       19.       Withdrawal or Vacatur of Defendant's Plea

13               Should Defendant successfully move to withdraw from this Plea Agreement  
14       or should Defendant's conviction be set aside, vacated, reversed, or dismissed  
15       under any circumstance, then:

- 16                   a.       this Plea Agreement shall become null and void;  
17                   b.       the United States may prosecute Defendant on all available  
18                               charges;  
19                   c.       The United States may reinstate any counts that have been  
20                               dismissed, have been superseded by the filing of another  
21                               charging instrument, or were not charged because of this Plea  
22                               Agreement; and  
23                   d.       the United States may file any new charges that would  
24                               otherwise be barred by this Plea Agreement.

25               The decision to pursue any or all of these options is solely in the discretion  
26       of the United States Attorney's Office.

1 Defendant agrees to waive any objections, motions, and defenses Defendant  
2 might have to the United States' decision about how to proceed, including a claim  
3 that the United States has violated Double Jeopardy.

4 Defendant agrees not to raise any objections based on the passage of time,  
5 including but not limited to, alleged violations of any statutes of limitation or any  
6 objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth  
7 Amendment.

8 20. Integration Clause

9 The United States and Defendant acknowledge that this document  
10 constitutes the entire Plea Agreement between the United States and Defendant,  
11 and no other promises, agreements, or conditions exist between the United States  
12 and Defendant concerning the resolution of the case.

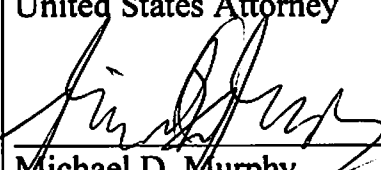
13 This Plea Agreement is binding only on the United States Attorney's Office  
14 for the Eastern District of Washington, and cannot bind other federal, state, or local  
15 authorities.

16 The United States and Defendant agree that this Agreement cannot be  
17 modified except in a writing that is signed by the United States and Defendant.

18 Approvals and Signatures

19 Agreed and submitted on behalf of the United States Attorney's Office for  
20 the Eastern District of Washington.

21 Vanessa R. Waldref  
22 United States Attorney

23   
24 Michael D. Murphy  
25 Assistant United States Attorney  
26  
27  
28

3/28/2023  
\_\_\_\_\_  
Date

1 I have read this Plea Agreement and I have carefully reviewed and discussed  
2 every part of this Plea Agreement with my attorney. I understand the terms of this  
3 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and  
4 voluntarily. I have consulted with my attorney about my rights, I understand those  
5 rights, and I am satisfied with the representation of my attorney in this case. No  
6 other promises or inducements have been made to me, other than those contained  
7 in this Plea Agreement. No one has threatened or forced me in any way to enter  
8 into this Plea Agreement. I agree to plead guilty because I am guilty.

9  
10 

11 Brandon Kelly Root  
12 Defendant

3-27-23  
Date

13 I have read the Plea Agreement and have discussed the contents of the  
14 agreement with my client. The Plea Agreement accurately and completely sets  
15 forth the entirety of the agreement between the parties. I concur in my client's  
16 decision to plead guilty as set forth in the Plea Agreement. There is no legal  
17 reason why the Court should not accept Defendant's guilty plea.

18 

19 Alex B. Hernandez III  
20 Attorney for Defendant

3-27-23  
Date